

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE**

NIKKI BOLLINGER GRAE, Individually and on Behalf of All Others Similarly Situated,)	Civil Action No. 3:16-cv-02267
)	
Plaintiff,)	Honorable Aleta A. Trauger
)	
vs.)	Magistrate Judge Jeffrey S. Frensley
)	
CORRECTIONS CORPORATION OF)	
AMERICA, et al.,)	<u>DEMAND FOR JURY TRIAL</u>
)	
Defendants.)	
)	
_____)	
)	

**DECLARATION OF MERYN C. N. GRANT IN SUPPORT OF CORECIVIC’S MOTION
TO DETERMINE SUFFICIENCY OF RESPONSES TO CORECIVIC’S FIRST SET OF
REQUESTS FOR ADMISSION AND COMPEL FURTHER RESPONSES TO
CORECIVIC’S FIRST SET OF REQUESTS FOR ADMISSION AND SECOND SET OF
INTERROGATORIES**

I, Meryn C. N. Grant, declare as follows:

1. I am over 18 years of age and am competent to testify as to the matters stated in this Declaration. I am an associate at the law firm of Latham & Watkins LLP, one of the law firms representing Defendants CoreCivic, Inc. (“CoreCivic”), Damon T. Hininger, David M. Garfinkle, Todd J. Mullenger, and Harley G. Lappin (collectively, “Defendants”). I am also one of the attorneys who has been involved in drafting CoreCivic’s First Set of Requests for Admission (“RFAs”) and Second Set of Interrogatories (“Interrogatories”), and have participated in various meet and confer efforts with Plaintiff’s counsel, as described further herein.

2. Pursuant to Judge Frensley’s July 16 Order (ECF No. 244), a chart detailing the exact text of the discovery requests and responses at issue in the Motion is attached as

Exhibit A.

3. On March 18, 2020, CoreCivic served Plaintiff with its RFAs and Interrogatories.

4. On May 1, 2020, Plaintiff served CoreCivic with its Responses and Objections to the RFAs and Interrogatories. A true and correct copy of Plaintiff’s Responses and Objections to CoreCivic’s RFAs is attached as **Exhibit B**. A true and correct copy of Plaintiff’s Responses and Objections to CoreCivic’s Interrogatories is attached as **Exhibit C**.

5. On May 13, 2020, after receiving Plaintiff’s Responses and Objections, counsel for CoreCivic sent Plaintiff’s counsel a six-page letter explaining CoreCivic’s position as to why Plaintiff’s Responses and Objections were deficient. A true and correct copy of this letter is attached as **Exhibit D**.

6. On May 29, 2020, I sent an email to Plaintiff’s counsel to follow-up on a meet and confer previously held by the parties. That email confirmed CoreCivic’s position that numerous written discovery responses were deficient and indicated that CoreCivic would move

to compel further responses if Plaintiff would not agree to supplement those responses. A true and correct copy of that email is attached as **Exhibit E**.

7. That same day, Plaintiff's counsel responded. A true and correct copy of this email is attached as **Exhibit F**.

8. On June 4, 2020, in an effort to resolve Plaintiff's concerns regarding Federal Rule of Civil Procedure 36(a)(2), I sent an email attaching the documents referenced in RFA Nos. 6, 8, 14, 15, 17, 20, 22, 39, and 40. A true and correct copy of this email is attached hereto as **Exhibit G**.

9. On July 10, 2020, CoreCivic raised the issue of Plaintiff's deficient discovery responses at an informal discovery conference with Judge Trauger. In an order dated July 13, 2020, Judge Trauger referred the issues to Magistrate Judge Frensley. *See* ECF No. 240.

10. On July 16, 2020, Judge Frensley ordered the parties to again meet and confer and, if unable to reach a resolution, file a motion to compel. *See* ECF No. 244.

11. Pursuant to Judge Frensley's July 16 Order, the parties held a further telephonic meet and confer on July 22, 2020. During this meet and confer, Plaintiff stated that its position had not changed and that there was no need to discuss its responses further.

12. On July 26, 2020, one of the lead attorneys for CoreCivic—David Schindler—sent an email to lead counsel for Plaintiff—Jason Forge—in a final good faith effort to resolve the parties' written discovery disputes. A true and correct copy of that email and Mr. Forge's response is attached hereto as **Exhibit H**.

13. Attached as **Exhibit I** is a true and correct copy of CORECIVIC_0029731, which contains an article by *The Nation* titled "Federal Official Ignored Years of Internal Warnings About Deaths at Private Prisons" published on June 15, 2016. Plaintiff introduced this document

as Exhibit 328 during the deposition of William Dalius. CoreCivic's RFA No. 8 concerns this article, which was also published under the title "They Knew Something Was Going On," and available at <https://www.typeinvestigations.org/investigation/2016/06/15/knew-something-going/>.

14. Attached as **Exhibit J** is a true and correct copy of Defendants' Objections and Responses to Plaintiff's Second Set of Interrogatories.

15. Attached as **Exhibit K** is a true and correct copy of Defendants' Objections and Responses to Plaintiff's Second Request for Production of Documents.

16. Pursuant to 26 U.S.C. §1746, I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Executed on July 27, 2020 in Los Angeles, California.



Meryn C. N. Grant

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing document was made upon the following Filing Users through the Electronic Filing System:

Paul Kent Bramlett
Robert Preston Bramlett
BRAMLETT LAW OFFICES
40 Burton Hills Blvd., Suite 200
P.O. Box 150734
Nashville, TN 37215
pknashlaw@aol.com
robert@bramlettlawoffices.com

Jeremy A. Lieberman
J. Alexander Hood II
Marc C. Gorrie
POMERANTZ LLP
600 Third Ave., 20th Floor
New York, NY 10016
jalieberman@pomlaw.com
ahood@pomlaw.com
mgorrie@pomlaw.com

David J. Schindler
Brian T. Glennon
Morgan E. Whitworth
LATHAM & WATKINS LLP
355 South Grand Ave.
Los Angeles, CA 90071
david.schindler@lw.com
brian.glennon@lw.com
morgan.whitworth@lw.com

Patrick V. Dahlstrom
POMERANTZ LLP
10 South La Salle St., Suite 3505
Chicago, IL 60603
pdahlstrom@pomlaw.com

Michael Goldberg
Brian Schall
GOLDBERG LAW PC
1999 Avenue of the Stars, Suite
100
Los Angeles, CA 90067
michael@goldberglawpc.com
brian@goldberglawpc.com

Christopher T. Cain
SCOTT & CAIN
550 W Main Avenue
Suite 601
Knoxville, TN 37902
cain@scottandcain.com

James A. Holifield, Jr.
HOLIFIELD JANICH RACHAL &
ASSOCIATES, PLLC
11907 Kingston Pike
Suite 201
Knoxville, TN 37934
aholifield@holifieldlaw.com

Christopher Hamp Lyons
Christopher M. Wood
ROBBINS GELLER
RUDMAN & DOWD LLP
414 Union Street
Suite 900
Nashville, TN 37219
clyons@rgrdlaw.com
cwood@rgrdlaw.com

Jerry E. Martin
BARRETT JOHNSTON MARTIN &
GARRISON, LLC
Bank of America Plaza
414 Union Street
Suite 900
Nashville, TN 37219
jmartin@barrettjohnston.com

this 27 day of July, 2020.

/s/ Steven A. Riley
Steven A. Riley